

FEB 7 '12 PM 3:10



TOWN OF UXBRIDGE  
CONSERVATION COMMISSION  
21 SOUTH MAIN STREET  
UXBRIDGE, MASSACHUSETTS 01569  
508-278-8600, x 2013

**MEETING MINUTES**  
January 17, 2012

*Please note some items may have been taken out of agenda order.*

Minutes of the Uxbridge Conservation Commission regular meeting held on **Tuesday, January 17, 2012, at 7:00 P.M.** in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

**Conservation Commission Board Members Present:** Russell Holden, Dave Lewcon, Larry Lench, and Michael Potaski.

**Conservation Commission Board Members Absent:** Tracy Tibedo

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Chairman Holden called the meeting to order.

**OLD BUSINESS: Public Hearings**

**DEP #312-932, NOI, Beta Group Inc. on behalf of the Town of Uxbridge DPW on Douglas Pike (Town Right-of-Way)** – The proposed project will consist of replacing an existing stone culvert which has partially collapsed at both ends with a 24-inch reinforced concrete pipe. Ms. Angela Saunders with Beta Group, Inc. was present and spoke on behalf of the applicant with the details of the project. Discussions and areas of concern included a new water drainage plan provided (including notes indicating where the placement of the de-watering basin, concrete washout detail and heavy machinery will be located), a sequence plan, mulch and erosion control matting, location of temporary stockpile (filter fabric on bottom, straw wattles surrounding stockpile and a tarp covering material), tree preservation notes, soil erosion and sedimentation control notes (straw wattles and silt fence). Following discussion, **MOTION** by Commissioner Potaski to continue discussions for project listed as **"DEP #312-932, NOI, Beta Group Inc. on behalf of the Town of Uxbridge DPW on Douglas Pike (Town Right-of-Way)"** until the next scheduled meeting on February 6, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

**Violations/Potential Violations:**

**127 Douglas Pike (Map 52, Parcel 1575)** – Commissioner Holden has left messages for the property owner and the caller that reported the violation and have not received any callbacks. Following discussion, **MOTION** by Commissioner Lench to continue discussions for **"Violations/Potential Violations: 127 Douglas Pike"** until the next scheduled meeting. Seconded by Commissioner Lewcon, the motion carried unanimously.

**79 River Road (Map 45, Parcel 1345)** – Discussions with the property owners have included submitting a Notice of Intent application for this property. Following discussion, **MOTION** by Commissioner Potaski to continue discussions for **"Violations/Potential Violations: 79 River Road"** until the next scheduled meeting. Seconded by Commissioner Lench, the motion carried unanimously.

**180 Williams Street/0 Rawson Street (Map 10, Parcel 3625/3393)** – Mr. Keith Vanderzicht representing 6 Dutch Hill Road was present and came forward to discuss. Mr. Vanderzicht informed the Commission that the property is no longer listed as **180 Williams Street or 0 Rawson Street** and both are now considered separate parcels. Mr. Vanderzicht also informed the Commission that he is not doing any work at these parcels and is not the owner for these parcels. Commissioner Holden informed a NOI was submitted (312-824, 180 Williams Street, Lot 1) and the Order of Conditions has since expired. Mr. Vanderzicht will be applying and submitting a Certificate of Compliance for 312-824. Commissioner Holden informed the audience of the violation on this property. The area of land under the electric easement that currently has the wetland excavation occurring (violation) is now owned by Vanderzicht Realty Trust. This same land was originally defaulted and owned by the bank was recently purchased and is deeded to Vanderzicht Realty Trust. Mr. Brian Vanderzicht, currently owns the property and came forward to sign in, provide a correct mailing address, but refused to come up to the microphone. The Commission informed Mr. Brian Vanderzicht of the violation on the property and a new Cease & Desist order shall be issued to the correct property owner and mailed. Discussions and areas of concern included the Commission working with the land owner to mitigate a plan of the impact to the wetland that has occurred so far, site visits will need to be done to assist with developing a plan to restore the wetlands and the Commission advised Mr. Brian Vanderzicht to attend the next meeting on February 6<sup>th</sup>. The Commission will contact Mr. Brian Vanderzicht to schedule a site visit prior to the next scheduled meeting. Following discussion, **MOTION** by Commissioner Potaski to continue discussions for “**Violations/Potential Violations: 4 or 7 Dutch Hill Road**” until the next scheduled meeting on February 6, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

**Other:**

**Uxbridge Wetlands Bylaw** – The wetlands bylaw is currently being reviewed by the Commission. Following discussion, **MOTION** by Commissioner Potaski to continue discussions for the “**Other: Uxbridge Wetlands Bylaw**” until the next scheduled meeting. Seconded by Commissioner Lench, the motion carried unanimously.

**672 Millville Road (Map 40, Parcel 1661)** – Mr. DJ Salmon, resident at 672 Millville Road came forward to discuss property. Mr. Salmon informed the Commission that he has been unable to connect with the property owners at 4 Albee Road or discuss the property with a professional engineer. Discussions and areas of concern included an explanation of how the water flows (the water comes up in the sediment trap, turns and flows behind the barriers near #4 Albee Road and then flows over towards the driveway near #20 Albee Road, then hooks around the corner and heads into the street.), the resident included that it appears that 4 Albee Road has diverted the water flow, completing a plan with both property owners (4 Albee Road and 672 Millville Road), if there is not an expedient solution to this problem then the Conservation Commission would issue Enforcement Orders that would guide the property owners, the Commission provided explanation of the Wetlands Protection Act. Commissioner Lewcon requests guidance from MA-DEP. Following discussion, **MOTION** by Commissioner Potaski to continue discussions for “**Other: 672 Millville Road**” until the next scheduled meeting. Seconded by Commissioner Lench, the motion carried unanimously.

**NEW BUSINESS: Public Hearings –**

**RDA FY12-03, Richard Corcoran at 212 Henry Street (Map 20, Parcel 2948)** – Project proposed is for construction of a new four bedroom house and Title V approved septic system. A small portion of the buffer zone (1790 +/- sf.) will be altered due to the required grading for the soil absorption system per Title V requirements. The proposed disturbed area will take place in the existing

overgrown lawn area. Mr. Michael Yerka with Yerka Engineering Associates was present and spoke on behalf of the applicant with the details of the project. Discussions and areas of concern included erosion control barrier preferably with hay bales, filter socks or equivalent and a site visit to be scheduled for January 22<sup>nd</sup>. Following discussion, **MOTION** by Commissioner Lewcon to continue discussions for project listed as **"RDA FY12-03, Richard Corcoran at 212 Henry Street (Map 20, Parcel 2948)"** to schedule a meeting for January 23, 2012. Seconded by Commissioner Potaski, the motion carried 2-2-0 (motion failed). Alternate motion, following discussion, **MOTION** by Commissioner Lench to continue discussions for project listed as **"RDA FY12-03, Richard Corcoran at 212 Henry Street (Map 20, Parcel 2948)"** until the next scheduled meeting on February 6, 2012. Seconded by Commissioner Potaski, the motion carried unanimously.

**DEP #312-xxx, NOI, Susan Foley at 280 Albee Road (Map 46, Parcel 775)** - The proposed project will consist of construction of a single family home, septic system, well and associated site work. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and spoke on behalf of the applicant with the details of the project. Discussions and areas of concern included conducting a site visit on January 27, 2012. Following discussion, **MOTION** by Commissioner Potaski to continue discussions for project listed as **"DEP #312-xxx, NOI, Susan Foley at 280 Albee Road (Map 46, Parcel 775)"** until the next scheduled meeting on February 6, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

#### **Violations/Potential Violations:**

**518 & 546 Hazel Street, Salvage Center (Map 22, Parcels 1552 & 1547)** – The Town Manager's office received a complaint from a resident regarding the Salvage Center at 518 Hazel Street. The resident complained about earth removal/fill in close proximity to wetlands. Commissioner Holden visited the property to discuss the potential violation on the property. Following discussion, **MOTION** by Commissioner Potaski to continue discussions for **"Violations/Potential Violations 518 & 546 Hazel Street, Salvage Center (Map 22, Parcels 1552 & 1547)"** until the next scheduled meeting. Seconded by Commissioner Lewcon, the motion carried unanimously.

**MINUTES.** The Conservation Commission Meeting Minutes for January 3, 2012 are not completed, discussions will continue at the next scheduled meeting. **MOTION** by Commissioner Potaski to table discussions for the Conservation Commission Meeting Minutes dated January 3, 2012 until the next scheduled meeting. Seconded by Commissioner Lench, the motion carried unanimously.

#### **Other:**

**Reorganization and member responsibilities** – The Commission reviewed the "Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission" time stamped March 16, 2010, which included site visits and member responsibilities. Following discussion, **MOTION** by Commissioner Lewcon to continue discussions for **"Other: Reorganization and member responsibilities"** to the next scheduled meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

**MOTION** by Commissioner Potaski to table the discussion for **"Processing and Pout Pond/Legg Farm"** to discuss **"Any other business which may lawfully come before the Conservation Commission – 209 River Road (Map 45, Parcel 4053)."** Seconded by Commissioner Lewcon, the motion carried unanimously.

**Any other business which may lawfully come before the Conservation Commission:**

**209 River Road (Map 45, Parcel 4053)** – On January 10<sup>th</sup>, the Conservation Commission received an anonymous call reporting tree removal at this property. Caller indicated that there were a large amount of wetlands on the property. On the same day, Commissioner Holden did a site visit on the property and indicated that there was a removal of a large mature white pine tree and storage of a large quantity of gravel. A Cease & Desist order was issued on January 12, 2012. The owner of the property came forward to discuss and feels like they are being badgered by the neighbors. Commissioner Holden informed the property owner that there should be no activity within the riverfront unless there is a Notice of Intent application. Commissioner Holden asked the property owners to come forward and sign the sign-in sheet. The property owners refused to sign the sign-in sheet and informed the Commission to contact their attorneys. Commissioner Lench asked for the attorney's name and the property owners refused and walked out of the meeting. The Commission discussed the property; it appears that the tree (tree ball on ground) was removed by machinery and not by the wind. There is no stabilization for the gravel either. There are also two (2) other trees that are aligned with River Road that have been marked with orange tape. Following discussion, **MOTION** by Commissioner Potaski to approve the Cease & Desist Order that was issued for the property located at **209 River Road (Map 45, Parcel 4053)**. Seconded by Commissioner Lewcon, the motion carried unanimously. Following discussion, **MOTION** by Commissioner Potaski to issue an Enforcement Order for the property located at **209 River Road (Map 45, Parcel 4053)** that would call for a Notice of Intent application on the parcel for any activity. Seconded by Commissioner Lench, the motion carried unanimously.

**Processing:** Commissioner Potaski inquired if the property owner for 170 Hecla Street in Uxbridge submitted a complete MESA (Massachusetts Endangered Species Act) filing with the NHESP (Natural Heritage & Endangered Species Program). This notice was due December 29, 2011. NHESP notified the Conservation Commission office indicating that a Notice of Non Compliance will be sent out to the property owner by January 13, 2012. Any work done on the property will be in violation of the MESA until that paperwork is completed.

**Pout Pond/Legg Farm** – Discussions and areas of concern included having the work camper come back for another season at the pond; continuous work is being done on the cottage, gratitude and appreciation to Mr. Ed Oleksyk with White Eagle Plumbing and Mr. John Stratton with Stratton Electric, also activity has occurred on the pond such as ice skating and ice fishing, which can be dangerous depending on the thickness of the ice and Commissioner Lewcon is seeking corporate sponsorship for the pond. The Commission discussed the potential of having signs posted concerning if it is safe to skate or fish.

**Correspondence:**

Correspondence received from Aquatic Control Technology inquiring if any activity needs to occur at Pout Pond. Commissioner Lewcon will review the correspondence and will connect with Aquatic Control Technology for additional information and will continue discussions at a future meeting.

Notification received for the MACC quarterly to be conducted on March 3, 2012.

Commissioner Holden also reviewed the other correspondence received over the past month.

**Legg Farm:**

The Commission discussed having a nesting American Kestrel falcon at Legg Farm.

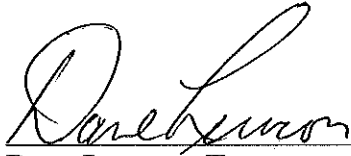
**MOTION** by Commissioner Potaski to adjourn the meeting at 9:48 P.M. Seconded by Commissioner Lench, the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Commission Administrative Assistant.

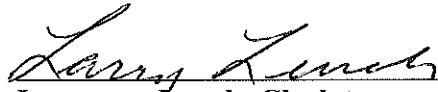


Russell Holden, Chairman

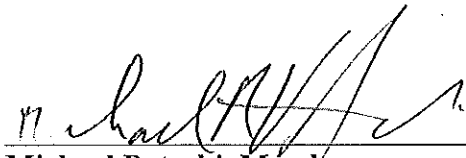
Vice-Chair (vacant)



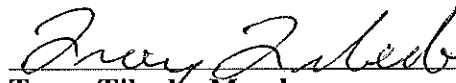
Dave Lewcon, Treasurer



Lawrence Lench, Clerk



Michael Potaski, Member



Tracy Tibebo, Member

2/6/12

Date